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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,412	12/03/2001	Kwang Soo Choe	K-0345	5933
34610 7590 08/08/2007 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER NELSON, FREDA ANN	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/998,412

Applicant(s)

CHOE ET AL.

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,10,12,68 and 71-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 10, 12, 68, and 71-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The amendment received on April 30, 2007 is acknowledged and entered. Claims 1, 4, 10 and 68 have been amended. Claims 3, 6-9, 11, and 13-67 have been canceled. Claims 71-73 have been added. Claims 1-2, 4-5, 10, 12, 68, and 71-73 are currently pending.

### ***Response to Amendments and Arguments***

Applicant's arguments filed April 17, 2007 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Examiner Note***

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:

Claim 1 is incomplete.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, because the claim language is incomplete, the examiner is unable to determine what the applicant claiming.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (Patent Number 6,324,522).**

As per claim 10, Peterson et al. disclose an e-commerce system, comprising:

a database server configured to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of products (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16); and

a web server, coupled to the database server, and configured to operate a web site to receive on-line orders for an on-line sale of each of the plurality of products, acquire information about the respective products and dealing companies and registering the acquired information to the database server, and perform order control for order-generating dealing companies, when an order for a product purchase is generated from the corresponding dealing companies (col. 43, lines 19-30).

an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies based on order restriction information about the products registered in the database server or information about the respective dealing companies (col. 5, lines 4-15; FIGS. 13-16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1-5 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (Patent Number 6,324,522), in view of Leonard et al. (Patent Number 6,085,171).**

As per claims 1 and 2 and 68, Peterson et al. disclose an e-commerce system, comprising:

a database server configured to store information relating to at least one of a plurality of dealing companies, orders placed by each of the plurality of dealing companies, tangible products for sale, and order-available tangible products for the respective dealing companies (col. 8, lines 18-26; col. 41, lines 51-61; FIGS. 13-16);

a web server, coupled to the database server, and configured to operate a web-site to receive order sheets on-line from the plurality of dealing companies for on-line sale of the tangible products for sale and to select the order-available tangible products for corresponding ones of the plurality of dealing companies to display only the available products on an interface screen (col. 43, lines 19-30);

an information acquisition server, coupled to the database server and configured to acquire information about each of the plurality of dealing companies, and to register the acquired information on the database server (FIG. 11); and

an order control server configured to gather information about tangible products ordered through the web server and respective product order error items stored in the database server, and to determine whether an error of a corresponding tangible product

order is correct, and to execute a selective order control in accordance with the determination (col. 5, lines 4-15; FIGS. 13-16).

Peterson et al. do not disclose a database server configured to store information relating to product order errors. Peterson et al. do not further disclose an order control server configured to gather information about the respective order error items stored in the database server, and to determine whether the error of the corresponding order is correct, and to execute a selective order control in accordance with the determination, wherein the product order errors are obtained by the order control server from a previously established error list in the database server, and wherein the product order errors in the previously established error list comprise at least one of ordered tangible product not for sale errors, dealing companies listed as bad errors, minimum order quantity and price errors, or insufficient stock of ordered tangible product errors.

However, Leonard discloses a connection between an agent and a server to check for many of the commonly encountered errors in order data, to submit orders electronically, including the signature authorization form, and to update the agent's order entry software (col. 1, lines 39-45); the connection also allows the server to quickly communicate errors that it detects in the orders to the client for correction (col. 2, lines 16-24; FIG. 5); and client 10 may select from several options for the product selection (col. 12, lines 23-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Leonard in order to have the ability to detect errors.

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As per claims 3-4, Peterson et al. do not disclose the system further comprising a divisional order processing server, configured to perform a scheduled order processing so that a shipment amounting to a partial quantity of a total order quantity of the order-confirmed product is performed at prescribed times, and to register the items of the scheduled order processing to a temporary order information storage unit; and wherein the temporary order storage unit comprises a prescribed information storing area allocated randomly to the database server, however, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claims 3 and 4, including an e-commerce system including order processing server are disclosed in Peterson et al. as described herein. Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

As for claim 5, Peterson et al. disclose the system further comprising a shipment coupled to a warehouse network, and configured to manage each of plurality stored warehouse products in stock so as to confirm a shipment of the corresponding order quantity of each of the orders, wherein the shipment confirmation server is configured to be controlled in connection with the web server and database server respectively.



As per claims 69-70, Peterson et al. do not disclose the system wherein the product order errors are obtained by the order control server from a previously established error list in the database server; and wherein the product order errors in the previously established error list comprise at least one of ordered tangible product not for sale errors, dealing companies listed as bad errors, minimum order quantity and price errors, or insufficient stock of ordered tangible product errors, however, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claims 69-70, including an e-commerce system including order processing server and order control server are disclosed in Peterson et al. as described herein. Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

**5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. in view of Kirsch (Patent Number 5,963,915).**

As per claim 12, Peterson et al. do not expressly disclose the system of claim 10, wherein the order restriction information includes at least one of amounts in stock by the

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respective models of sales products, sale or sale-suspension of the respective models of the sales products, out-of-production or production of the respective models of the sales products. However, it is old and well known in the business industry to place restrictions on orders so products are not ordered which are out of stock or not carried by the merchant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of restricting orders in order to maintain ordering structure.

**6. Claims 71-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (Patent Number 6,324,522), in view of Leonard et al. (Patent Number 6,085,171).**

As per claims 71-73, Peterson et al. do not expressly disclose the system of claim 10, wherein the order restriction information of tangible products relates to a minimum quantity of the available quantity of the corresponding tangible product; wherein the information of the respective dealing companies used to restrict prescribed orders relates to order-restricted products associated with a distribution channel of the corresponding dealing company; and wherein the information of the respective dealing companies used to restrict prescribed orders relates to past performances of the corresponding dealing companies.

However, Kumar et al. discloses that fulfillment server 16 may maintain information regarding suppliers and parent-child or other hierarchical relationships between suppliers, which fulfillment server 16 may use for order promising and other

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suitable purposes, as discussed more fully below. In one embodiment, definitions for suppliers maintained at fulfillment server 16 may include, in any suitable combination, without limitation: (1) name, (2) description, (3) category, (4) parent, (5) children, (6) the products the supplier provides, (7) the groups associated with the supplier, (8) ranked or other list of preferred customers for a given product, (9) acceptable alternates or substitutes for a given product, (10) minimum and maximum quantities for orders, (11) order quantity constraint not allowing fulfillment server 16 to reduce the quotation quantity without affecting validity of quotation, (12) cancellation restrictions, (13) cancellation window outside of which orders cannot be canceled, (14) communications protocols supported by the supplier for receiving requests for quotation, quotation acceptances, cancellations, and/or other information; (15) communications protocols supported by the supplier for communication quotations, promises, acceptances, and/or other information; and (16) network addresses used to communicate with the supplier (paragraph [0033]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Petersen et al. to include the feature of Kumar et al. in order to provide suppliers a way of quoting more accurate delivery information to meet customer orders (Kumar, [0008]).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

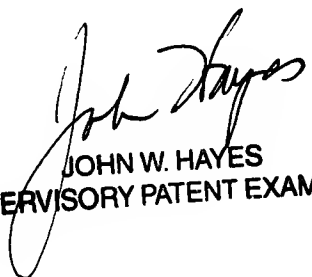
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 07/22/2007



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER